

March 20, 1984

LB 667

You get on page 3, it says the court shall order that such payments be made as a condition of probation. It sounds to me like you're buying probation.

SENATOR H. PETERSON: Senator Higgins, I think what you need to do is read the committee amendments.

SENATOR HIGGINS: Did they change it?

SENATOR H. PETERSON: You are reading the bill and the committee amendments make it permissive, number one. Number two, the county has to pass the resolution. It's permissive as far as the county is concerned. As far as the judge is concerned, he will determine that at the time of incarceration, whether or not the ability to pay is there. That is a part of the hearing itself.

SENATOR HIGGINS: So in other words, the committee has amended the bill so that now it's "may" all the way through; it's not "may" some places and "shall" some places.

SENATOR H. PETERSON: Right.

SENATOR HIGGINS: They did a good job then of cleaning up the bill. So if the court determines that I've got the money to pay, I'll pay for probation. If I don't have the money to pay, I might not get probation, is that correct?

SENATOR H. PETERSON: Well chances are you'd get probation because this only affects those that are on probation.

SENATOR HIGGINS: But it's still a matter of whose got the money and who doesn't.

SENATOR H. PETERSON: It's still a matter of the judge making the decision of whether or not, on the basis of the financial statement, whether you have the ability to pay or not.

SENATOR HIGGINS: Thank you, Senator Peterson. So if you happen to be a friend of the judge, and you can put the word in say, oh Paul, Labedz there she only makes \$400 a month,